

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RAUL ALBERTO PEREZ-REYES,

Plaintiff,

v.

JEFFREY BEARD, et al.,

Defendants.

Civil Action No. 07-340 Erie

ORDER

_____ Plaintiff's civil rights complaint was received by the Clerk of Court on December 10, 2007 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's report and recommendation, orally entered on the record on January 11, 2008 [Doc. # 10 and 21], recommends that the Plaintiff's "Motion for an Emergency Injunction" [Doc. # 5] and "Motion for an Injuntion [sic] Against Defendants" [Doc. # 8] be denied. Rather than file an objection to the R&R, as was Plaintiff's right, he attempted to take a direct appeal from the R&R to the Third Circuit Court of Appeals. By order dated March 20, 2008 [Doc. # 39], the Court of Appeals dismissed Plaintiff's appeal for lack of jurisdiction. Accordingly, we will construe the Plaintiff's "Notice of Appeal" [Doc. # 16] as well as his "Appeal to the United States Court of Appeals for the Third Circuit" [Doc. # 17] as objections to the Chief Magistrate Judge's oral Report and Recommendation.

After de novo review of the Complaint and the documents in the case, together with the Report and Recommendation and Plaintiff's objections thereto, the following order is entered:

AND NOW, this 15th Day of April, 2008, IT IS HEREBY ORDERED that the Plaintiff's "Motion for an Emergency Injunction" [Doc. # 5] and "Motion for an Injuntion [sic] Against Defendants" [Doc. # 8] be, and hereby are, DENIED.

The report and recommendation of Chief Magistrate Judge Baxter verbally entered on the record on January 11, 2008 is adopted as the opinion of this Court.

s/ Sean J. McLaughlin
SEAN J. McLAUGHLIN
United States District Judge

cm: all parties of record.
Chief U.S. Magistrate Judge Susan Paradise Baxter